



May 23, 2019

VIA ECF AND E-MAIL

Judge Joanna Seybert
United States District Court – EDNY
100 Federal Plaza
Central Islip, New York 11722

Re: *Official Committee of Unsecured Creditors of Exeter Holding, Ltd. v. Linda Haltman, et al.*, Case No. 13-cv-05475-JS-AKT

Dear Judge Seybert:

This firm is special litigation counsel for Plaintiff Gary Herbst (“Plaintiff” or “Plan Administrator”), in his capacity as plan administrator for the confirmed plan of Exeter Holding, Ltd. (“Exeter”), in the above-referenced proceeding. I write to respectfully request an additional, final, one week extension to the summary judgment motion schedule in this case.

At the conference held on February 5, 2019 (Dkt. No. 329), the Court set the following schedule with respect to anticipated motions for summary judgment: Motions due April 8; Responses due May 8; and Replies due June 7. On April 5, 2019, the Court granted Plaintiff’s request for an extension and the Court set the following amended schedule: Motions due April 12; Responses due May 13; and Replies due June 10. On April 11, 2019, the Court granted Plaintiff’s request for an extension and set the following amended schedule: Motions due April 19; Responses due May 20, 2019; and Replies due June 17, 2019. On April 19, 2019, the Court granted Plaintiff’s request for an extension and set the following amended schedule: Motions due April 24; Responses due May 27; and Replies due June 24. On April 24, 2019, the Court granted Plaintiff’s request for an extension and set the following amended schedule: Motions due May 24; Responses due June 24; and Replies due July 24.

Since the Court granted Plaintiff’s last request, I remained hospitalized and was just released this week. Plaintiff therefore respectfully requests a brief, final, one week extension to the schedule, changing the deadline for Motions from Friday, May 24 to

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Friday, May 31; the deadline for Responses from Monday, June 24 to Monday, July 1; and the deadline for Replies from Wednesday, July 24 to Wednesday, June 31.

This is Plaintiff's fifth request for an extension to the summary judgment motion schedule. Opposing counsel has consented to the extension. As noted above, Plaintiff's requested extension would extend the existing dates for summary judgment briefing by one week.

Thank you for your consideration.

Respectfully submitted,

/s John D. Roesser

John D. Roesser

cc: Counsel of record (via ECF)

Bruce and Kathleen Frank (via e-mail)
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¹ Arnold and Sondra Frank previously requested service at the email address arnoldfrank6@aol.com. Although Arnold Frank has since passed away, no alternate service address has been provided for Mrs. Frank.